

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WINARD CONSTRUCTION
& DEVELOPMENT, INC.

Plaintiff,

v.

TIMOTHY HARRINGTON,

Defendant.

Civil Action No. 04-10915-GAO

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16.1, the parties hereby jointly file their Rule 16.1 Statement and proposed pre-trial schedule in anticipation of the Scheduling Conference currently scheduled for October 27, 2004.

I. AGENDA OF MATTERS TO BE DISCUSSED

- A. Then parties do not anticipate any phasing of discovery in this matter.
- B. Establishing a discovery plan and pre-trial order.
- C. Schedule for automatic disclosures.
- D. The parties do not consent to trial by magistrate judge.

II. JOINT PROPOSED PRE-TRIAL SCHEDULE

A. DISCOVERY

The parties agree to limit discovery as set forth in Fed. R. Civ. P. 26(b), with the right to seek additional discovery upon motion to the Court. The parties propose the following discovery activities and deadlines:

1. Initial Disclosures

The parties to serve Initial Disclosures by November 16, 2004.

2. Interrogatories

One set of interrogatories by each party, with each set of interrogatories limited to twenty-five (25) questions. Service of interrogatories by all parties on or before **November 16, 2004**, and responses within thirty (30) days following service.

3. Requests for Production of Documents

Two sets of Requests for Production of Documents served by each party, with each set limited to thirty (30) requests. Service of the first set of requests on or before November 16, 2004, and written responses within thirty (30) days following service, and service of the second set of requests on or before December 15, 2004 with responses within thirty (30) days following service.

4. Requests for Admissions

All Requests for Admissions must be served on or before February 1, 2005.

5. Depositions

All depositions of fact witnesses completed by March 1, 2005. Expert depositions, if any, may be taken following expert disclosure (see below).

6. Expert Disclosures/Depositions

Pursuant to Fed. R. Civ. P. 26, Plaintiff to disclose all experts and reports by March 15, 2005. Defendant to make counter-designation by April 15, 2005. Expert discovery, if any, completed by May 30, 2005.

B. MOTIONS SCHEDULE

1. Motions for Summary Judgment filed by June 30, 2005.

- C. **FINAL PRE-TRIAL CONFERENCE** – August, 2005 or at the Court's convenience according to the Court's schedule.
- D. **TRIAL** – September, 2005 or at the Court's convenience according to the Court's schedule.

Respectfully Submitted,

TIMOTHY HARRINGTON,

By his attorney,

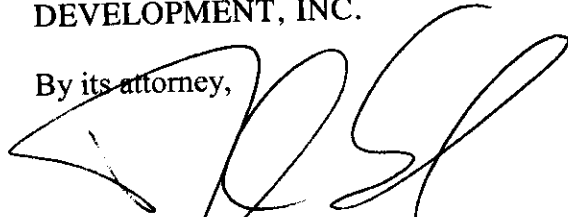


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Respectfully Submitted,

WINARD CONSTRUCTION AND
DEVELOPMENT, INC.

By its attorney,



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Dated: October 27, 2004